

**Apr 27, 2018**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STEVEN MYRICK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 4:18-CV-05005-EFS

**ORDER GRANTING DEFENDANT'S  
UNOPPOSED MOTION TO STRIKE AND  
EXTENDING THE TIME TO FILE  
ANSWER**

Before the Court, without oral argument, is Defendant Commissioner of Social Security's Motion to Strike and Motion for Extension of Time to File Defendant's Answer, ECF No. 9. On January 5, 2018, Plaintiff Steven Myrick filed a complaint in this matter, which was subsequently served upon the Commissioner. See ECF Nos. 1 & 5. On April, 10, 2018, the Commissioner filed a Motion to Dismiss, ECF No. 8, arguing that Mr. Myrick's complaint was untimely. The Commissioner now seeks to withdraw that motion.

Counsel for the Commissioner states that she based the Motion to Dismiss on a factual mistake; her office had mistakenly believed Mr. Myrick to be someone else with a similar name. See ECF No. 9. She therefore asks that the Court strike the Motion to Dismiss and extend the answer deadline to May 24, 2018. See ECF No. 9. The Commissioner's counsel further avers that Mr. Myrick has no objection to the relief requested. See ECF No. 9.

Upon reviewing the record, the Court finds good cause to allow the Commissioner to withdraw her previous Motion to Dismiss and to extend the answer deadline. *See* Fed. R. Civ. P. 6(b).

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion to Strike and Motion for Extension of Time to File Defendant's Answer, **ECF No. 9**, is **GRANTED**.

2. The Clerk's Office shall **STRIKE** Defendant's Motion to Dismiss, **ECF No. 8**.

3. **Defendant** may file an answer, as well as the administrative record, by no later than **Thursday, May 24, 2018**,

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 27<sup>th</sup> day of April 2018.

s/Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge